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In re Patent No. 5,328,575
Issue Date: July 12, 1994
Application No. 07/926,227
Filed: August 6, 1992
Patentee: Allen R. Geiger

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OFFICE OF PETITIONS

ON PETITION

This is a decision in response to a petition, filed July 24, 2006, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The patent issued July 12, 1994. The grace period for paying the 11 1/2 year maintenance fee expired on July 12, 2006. Since this petition was filed within the period provided in 37 CFR 1.362(e), the proper surcharge for reinstatement is \$1,640. Therefore the additional \$65 surcharge is being refunded to Counsel's deposit account.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Further, there is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified patent. However, in accordance with 37 CFR 1.34(a), the signature of Bennet Langlotz appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is GRANTED.

The 11 1/2 year maintenance fee in this case is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

The file is being forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions